

November 9, 2003

Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Re: Proposed BP Cherry Point Co-Generation Plant
Noise, Prefiled Direct Testimony, and Exhibits 24.0, et al.

Dear Mr. Fiksdal,

I spoke with Irina Makarow last Tuesday. She was returning my call from the previous Sunday in which I requested more time to respond to Exhibit 24.0, Applicant's Prefiled Direct Testimony, David M. Hessler, and attached reports, which was mailed to me after the October 1st co-generation meeting in Blaine, Washington. Ms. Makarow said that I could have until this Monday, November 10, 2003, to respond. Thank you for extending the comment period so that I could respond to the supplemental materials I received.

Attached please find my affidavit regarding noise. I will attempt to response to some of David Hessler's testimony and noise studies.

I perceive more than several flaws, inaccuracies, and unsubstantiated statements, conclusions, and presumptions in the noise monitoring and testing done by Hessler Associates, Inc. It takes time to refer to all the documents and I would also like to try to address issues other than those covered by the noise expert hired by Whatcom County.

Baseline Noise Monitoring

Per the sworn statements in the Affidavit:

1. Baseline monitoring needs to be done in the Cottonwood Beach area, where the citizens requested monitoring. | 1
2. Baseline monitoring also needs to be done at night, especially when the sky is clear. | 2
3. Baseline monitoring needs to be done when the level of refinery noise is sufficient to cause complaints from citizens. | 3

My Affidavit testifies to BP knowledge that noise is louder during times when equipment is being shut down and started up. Therefore, noise needs to be monitored during the time that equipment is being shut down and fired back up again as part of the baseline study. Ms. Cleveland's testimony also states that Cottonwood Beach residents have volunteered to have | 4

noise monitoring equipment and noise monitoring studies done on their property, thus totally invalidating the Hesseler Associates' concern regarding private property access issues (draft EIS, 3-9.6, September 5, 2003).

4
cont.

Current Noise Levels

On page 3-9.6 of the draft EIS, at the end of the 2nd paragraph, it says, "The results of the existing conditions for day and night periods are presented in Table 3-9.5." Table 3-9.5 (on page 3-9.9) is entitled: Estimated noise levels combining modeled and background noise.

5

Where are the baseline noise study result showing what the baseline noise levels are today? How can we examine the results and validity of the Hesseler methodology if we do not have the data of the current day and night noise levels?

WAC 173-60-040 and maximum noise levels

The second paragraph of page 3-9.6 in the draft EIS states the noise levels range from 47 dBA to a high of 68 dBA during the day, and 39 dBA to 65 dBA during the night.

WAC 173-60-040 states the noise limitations to be:

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during the day noise from a class C property going to a class A property: 60 dBA

during the night noise from a class C property going to a class A property: 50 dBA
(reduced by 10 dBA)

What, if any, evidence has been submitted that shows that the BP refinery changes production in the evening in order to reduce the amount of noise emitted by the refinery?

I am physically too tired to force my brain to continue to analyze the data, but I have lots of comments written all over the study. It just takes a lot of time and energy to document my comments and write them in a coherent manner.

Sincerely,

Cathy Cleveland

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

IN RE APPLICATION NO 2002-01)	
)	
BP WEST COAST PRODUCTS, LLC)	AFFIDAVIT OF
)	CATHY CLEVELAND
BP CHERRY POINT COGENERATION)	
PROJECT)	
_____)	

1. My name is Cathy Cleveland. I have been at Birch Bay during the summers since the early 1960s, before the Atlantic Richfield/ARCO/British Petroleum/BP refinery was built. I lived on Birch Bay Drive while I was in college, and currently, I live in the Cottonwood Beach area of Birch Bay at 4961 Morgan Drive.
2. On January 15, 2003, I attended a general information meeting for the public regarding the proposed BP Cherry Point cogeneration plant at the Blaine Public Library at 7:00 p.m.
3. We were introduced to (1) Michael Luftin, Assistant Attorney General, Counsel for the Environment, who would be an information source regarding this project and the proceedings, as well as an advocate for the Whatcom County citizens who would be affected by the co-generation plant, (2) Mike Koffman from GASP (Generations Affected by Senseless Power), (3) Michael Torpey, the BP Environmental Manager responsible for the project and environmental permitting, (4) Michael Abenhoff, public relations, and (5) I believe, Bill Kidd, Internal Affairs for BP in the Northwest and Arizona.

Affidavit of Cathy Cleveland
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4. These people told us about the BP's permit application. They explained the permitting process and that the draft environment impact statement was not done yet. They told us who the intervenors were, as of November 5, 2002, and other information about the proposed co-generation plant and the proposed mitigations. They also talked about pollution and particulate matter.

5. After all above-mentioned people spoke, they opened the meeting up to the audience to ask questions and to express concerns regarding the impacts of the proposed plant and to mention issues the people wanted addressed in the EIS, so BP could "mitigate" the impacts.

6. The Assistant Attorney General appeared to be writing down all of the citizen's issues. BP officials noted some of the issues. I naively believed that the Assistant Attorney General would make sure all the issues were addressed, so I did not write down all the issues expressed by the citizens present at the meeting.

7. Several concerns were raised about noise.

8. The major concerns, based on a past history with the refinery, were the accuracy, effectiveness, and the location of the monitoring. Historically, noise monitoring has been done in locations where the noise is quieter than the area from which the citizens have made complaints, or in areas where the BP refinery noise is barely audible, if at all, such as a location out at Birch Bay Village (where the prevailing winds do not typically move the noise towards Birch Bay Village). Therefore, citizens expressed their concerns about the validity of the monitoring, i.e., that monitoring has previously been done in a manner to validate and justify BP and ARCO's assertions that noise is always within the regulatory limits.

9. I did not document who, but one of the Cottonwood Beach residents, stated that the BP noise already wakes them up at night and that they wanted monitoring in the Cottonwood Beach neighborhood. Several others spoke up to confirm that resident's assertion, and said

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that they too were frequently awakened at night by refinery noise. To date, noise monitoring has not been done in the Cottonwood Beach area. (Please note that where later monitoring was done, near Councilperson Roy residence, is not Cottonwood Beach, but is a beach area south of Cottonwood Beach.) See also, page 3.9-4 in the EIS, which lists 15 noise-monitoring sites, but does not include Cottonwood Beach. I cannot state for certainty, that it was at the January meeting that Cottonwood residents stated that they would not object to noise monitoring on their property, but in fact, they would welcome it. BP is and has been aware of citizen's agreeing to have monitoring on their property. If this was not stated at this meeting, it certainly was stated at other meeting where BP representatives were present.

10. At the meeting, I specifically asked about the noise "modeling" that was being done in the lab. I asked if it was being done in a dry box. The answer was, "Yes."

11. I asked that they do a model that accurately reflects the reality of what is really happening at Birch Bay. First of all, almost all the noise complaints are at night, contrary to the unsubstantiated assumption and claim made by Hessler Associates, Inc., in the April 16, 2003, memo; Exhibit 24.1 DMH-1. The citizens who have been most vocal about complaints are from the Cottonwood Beach area. Therefore, modeling done in a dry box is inaccurate and is wholly lacking in validity, as it does not accurately reflect the area in which the sound will be traveling.

Second, sound travels different through dry air than it does through damp, cool evening air. During a sunny day in the summer, from the north end of the State Park, one can only hear a motorcycle accelerate and decelerate at stop signs, until the first stop on the Blaine Road. But, on a cool, clear, damp evening, you can hear the motorcycle starting and stopping at stop signs, going up past California Creek to Grubby's, more than an additional two miles from the Blaine Road. On cloudy days or evenings, one would not hear the motorcycle noise as far away, as the clouds tend to have a muffling affect on the noise.

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Third, I also stated that sound travels different over water, and that the sound traveling from the refinery to the Cottonwood Beach area is traveling across the water without obstructions to muffle or disperse the noise. When asked, I was told that the modeling in the box also contained trees. So, I requested that some modeling be done without trees, and just over water. When I made these statements, both the Assistant Attorney General and a BP official, (Michael Torpey?), wrote some notes on their paper and said that this would be addressed. The EIS does not mention that any accurate modeling was done, despite a specific request that it be done.

12. BP representatives (usually Michael Abenhoff) regularly attended the Steering Committee meetings for the Birch Bay subarea Growth Management planning for last several years and they heard complaints about the refinery's pollution and noise at those meetings. They were well aware of noise complaints and that the Cottonwood Beach area, in particular, received a lot of noise from the refinery that woke people up at night.

13. Elizabeth Daley attended a couple of the meetings. She gave me her business card and asked me to call her when the noise woke me up at night. I called her many times in 2002. I am not sure if I saved a record of my calls to her in 2002. Ms. Daley told me that BP has to report complaints, so I would think that either BP or whoever the regulating agency is or the agency to whom BP reports complaints should have a record of my complaints, as well as complaints from others.

14. Since the noise problem did not improve, I decided to write down the dates of my complaints on my calendar starting in 2003; that is, the complaints I remembered to write down on my calendar. The dates on my calendar are as follows: (Please note that I sleep in two different bedrooms depending on how cold it is, and when I am home. My actual bedroom is upstairs on the side of the house gets the entire BP refinery noise. The guest bedroom is downstairs on the other side of the house and is quite insulated from BP noise by the rest of the house. It has a heated waterbed that is too hot to sleep on during the summer when there is BP noise. Therefore, in the winter, there may have been more refinery noise than I reported, only because I was not sleeping where I would hear the

noise.) (1) January 6, 2003, 12:45 AM, (2) January 27, 2003, 4:00 AM, (3) February 15, 2003, (AM time not recorded) low rumbling noise with a very large puff of steam coming from the refinery, and (4) February 19, 2003, 11:30 PM –12:00AM, low level rumbling noise with a large puff of steam coming from the refinery.

15. Elizabeth Daley usually returned my phone calls to let me know that she received my complaint. I did not document the date that she last called me to let me know that she thought the origin of the noise of my complaints was during “turn around” times, where they had to shut down and start up refinery equipment. She said that this only happened a couple times a year and that the noise was inevitable and unavoidable. After her call, I stopped documenting my complaints. Subsequent to my last conversation with Ms. Daley, refinery noise levels have significantly decreased. Some of us have wondering if this was for monitoring purposes, as well as for public relations while BP goes through the process of getting the co-generation plant approved.

16. More could be included in this affidavit, but time limits prevent further statements.

I swear under the penalty of perjury under the laws of the State of Washington that the above statements are true and accurate (except possibly for spelling of names and typographical errors).

Cathy Cleveland

7 A Public Meeting in the above matter was held in
8 the presence of a court reporter on October 1, 2003, at 7:00
 p.m., at 975 H Street, in Blaine, Washington, before Energy
9 Facility Site Evaluation Council Members.

12 MR. FIKSDAL: First, we have to come up are
13 Mark Lawrence, Rob Pochert, and then Dan Newell.

COMMENTS BY MARK LAWRENCE

Mark Lawrence, 813 Fieldston, Bellingham, Washington 98225. I'm in support of this cogen plant with BP. At a time of slow economic recovery Whatcom County has a unique opportunity to bring a power source for future development and also a power source for development that's here in Whatcom County right now.

21 Whatcom County is a unique location. We
22 have a port that is available for deep water. We also
23 have lots of energy of the community to bring this to it.
24 I'm a very small business owner in Whatcom County. I work
25 all over the State of Washington and Idaho. Whatcom

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1 County needs a source of income. Whatcom County can I
2 don't think continue to go without a self-source of income
3 and having some stable source of energy. With Alcoa
4 having their issues and some other issues in Whatcom
5 County, we need to have a stable environment for business
6 to continue to support our tax base. Therefore, I support
7 Whatcom County's approval and the state's approval for
8 this cogeneration plant. Thank you.

9 MR. FIKSDAL: Thank you.

10 Mr. Pochert. Please excuse me for ruining
11 your name. My last name is Fiksdal, and nobody can say
12 that, so I think I have some leeway.

13 COMMENT BY ROB POCHERT

14 Actually you did quite well. I'm Rob
15 Pochert. I'm the president of the Bellingham Whatcom
16 County Economic Development Council. We're located at 105
17 East Holly Street in Bellingham.

18 While the Economic Development Council's
19 primary interest is creating new jobs in Whatcom County,
20 we also have an interest in the impacts that some of these
21 job creations of other industrial-type activities have on
22 the quality of life here in Whatcom County. As we became
23 familiar with BP's project, obviously some of the
24 questions that I asked and our staff asked, "Just what are
25 some of these impacts?" And I think the reduction in

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1 pollutants, the mitigation of CO2, Oregon's standards, and
2 I'm from Oregon, so I know what it's like living under
3 those standards, and utilizing the state of technology
4 that is available to reduce emissions have all been very
5 favorable. The potential reuse and recycling of water
6 from another industrial facility I think has got strong
7 merits, and obviously let's not overlook the fact that we
8 have an electrical generator here with inner community
9 that can provide some stability in a time of what appears
10 to be uncertain, long-term electrical supplies,
11 particularly in light of projected short falls and growing
12 needs for electricity.

13 We also recognize obviously the economic
14 benefits, both in taxes that will be paid to the state, as
15 well as the County. The full time jobs that are going to
16 be located there, as well as the six to seven hundred
17 construction jobs. Looking at a very conservative three
18 to one multiplier these are going to have some very
19 significant economic and financial impacts for Whatcom
20 County. The EDC and Western Washington's Center for
21 Economic and Business Research is going to be looking more
22 in-depth at just exactly what are the economic impacts
23 that Whatcom County can expect to receive in the future,
24 and we plan to submit that written document before your
25 November deadline. Thank you.

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1 MR. FIKSDAL: Thank you. Mr. Newell.

2 COMMENTS BY DAN NEWELL

3 My name is Dan Newell, and I'm the principal
4 of Blaine High School, and we are at 770 Mitchell Street,
5 Blaine, Washington 98230. I'm speaking on behalf of
6 Dr. Marian Barrington, the newly appointed superintendent
7 of Blaine School District who represents the Blaine School
8 Board for the purposes of this meeting.

9 With the addition of a cogen plant at BP
10 Cherry Point Refinery, it would add a number of additional
11 benefits to the citizens and the students of the Blaine
12 School District. Currently the Blaine School District
13 assessed valuation is approximately 2.2 billion dollars,
14 and the majority of this high assessment is due to BP and
15 because of the high assessed value the citizens of the
16 Blaine School District benefit from a very low levy
17 assessment. By the addition of the cogen plant the
18 assessed valuation would increase by approximately 500
19 million dollars, bringing our total assessed value some
20 2.7 billion. Such an increase would result in a taxpayer
21 of the Blaine School District paying approximately \$1.23
22 per thousand dollars of assessed valuation. Currently we
23 pay \$1.73. As you can see with the additional assessed
24 value our citizens will be saving 50 cents per thousand.
25 On our current levy this equates to a savings of \$75 per

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1 year on a \$150,000 home.

2 Due to these low levy rates the Blaine
3 School District has always been able to pass our levies.
4 Our levy rate in comparison with other districts with
5 rates of upwards of three dollars per thousand enables
6 Blaine the distinct advantage. We not only pass our
7 levies, but we are able to run a levy to the maximum the
8 state will allow. Not all districts are able to do this
9 because it's cost prohibitive to their taxpayers.

10 Currently the Blaine School District's
11 operation levy is approximately 21 percent of our current
12 budget. It is with the passage of the levy that the
13 Blaine School District has been able to offer an exemplary
14 program which draws people from across the state and
15 sometimes the nation. This low dollar per thousand levy
16 rate also provides the district great opportunities for
17 the passage of our general obligation bonds. It is with
18 these bonds the district built our schools, your
19 children's classrooms, gymnasiums, cafeterias,
20 playgrounds, and this wonderful performing arts center
21 that we are sitting in. The district has recently
22 remodeled and built a number of structures with the 19.6
23 million dollar bond. We have one remaining project to
24 complete, and that's our administrative service center.
25 Our estimated completion time will be the summer of 2004.

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1 Along with the substantial savings to our
2 taxpayers comes a number of jobs, and this would enable a
3 number of people in the Blaine area to have the
4 opportunity to apply for approximately 900 or more
5 available positions. Our students would benefit from this
6 as they complete high school and college enabling them to
7 move onto a wonderful career with BP. Currently our
8 students are given an in-depth tour of BP during the
9 beginning of each school year. By maintaining a working
10 relationship with this company, our students have been
11 exposed to the industry which has been a constant in our
12 Blaine area and the number of students who do complete
13 college and stay in this area providing more career
14 opportunities and keeping our families together. Thank
15 you very much for your time.

16 MR. FIKSDAL: Thank you. The next three
17 people that are signed up it's either Will or Wy
18 Bannerman.

19 MR. BANNERMAN: Wy Bannerman.

20 MR. FIKSDAL: Fred Schuhmacher and Sam
21 Crawford.

22 COMMENT OF WYMAN BANNERMAN

23 My name is Wyman Bannerman, and I live at
24 3455 Kluken Road, which is very near the intersection of
25 the Valley View Road in Grandview. Needless to say I have

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1 view property just from the name of the two roads.

2 My concern, and I've voiced this concern at
3 all the meetings so far, is the change in your power
4 lines. When we first talked at the first meeting, there
5 was some chance that they were going to put in a high
6 capacity conductor cable and not change any of the towers,
7 just put these cables on the present towers. As I talked
8 to the engineers and BPA and stuff right now that's no
9 longer feasible. It's too expensive or the cables are too
10 heavy or something or other.

11 The two options that we have left are the
12 monopole towers or the lattice steel uprights. The
13 lattice steel uprights are ugly, and I have a picture of
14 them here. It's the center one right here.

15 MR. FIKSDAL: Thank you.

16 MR. BANNERMAN: As you can see in the center
17 of that fixture -- that picture is taken on the eastern
18 part of the Grandview Road where these lines feed the
19 Custer Substation, and they've put in a series of towers.
20 That center tower in there is the one that I objected to,
21 and that's one of the two choices left. The other choice
22 is the monopole, which is a single pole tower. They have
23 pictures out in the lobby of that. In fact, these
24 pictures are taken at the crest of the hill on my
25 property.

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1 The one problem I have with the pictures is
2 that they blotted out Mount Baker which it sits if you
3 look at the east picture there, Mount Baker should be
4 sitting right there. It's gone for some reason. But I'd
5 like to as they talk about studying these different
6 options they mention the remedial action schemes. In the
7 remedial action schemes they've studied what are they
8 going to do with the power if one of the big powers lines
9 falls down, and the temperature is over 85 degrees, and
10 Alcoa is running full-bore, and BP is running full-bore,
11 and the power plant is running full-bore, where is power
12 going to go or something. Of course, all of these things
13 can't possibly happen at once, but they have to plan for
14 that. The one thing they left out of their scheme is the
15 fact that there is presently a hundred megawatts of power
16 coming through PSE to feed Arco right now. When they talk
17 about trying to reduce the power from all these concepts
18 they forget to mention that those power lines could be
19 used to run a hundred megawatts back to somewhere. And
20 they said they talked about that a little bit, but BPA and
21 PSE evidently don't work together, so I would like some
22 more explanation on that I guess. Thank you very much.

23 MR. FIKSDAL: Mr. Schuhmacher.

24 COMMENTS BY FRED SCHUHMACHER

25 My name is Fred Schuhmacher. I live at

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4(3)

1 5583, Whitehorn Way --

2 MR. FIKSDAL: Could you speak a little
3 closer. Thank you.

4 MR. SCHUHMACHER: -- in Blaine.

5 In May of this year I attended a
6 presentation by BP and TransCanada Corporation through the
7 Whatcom County Council Natural Resource Committee on the
8 proposed cogeneration facility at Cherry Point. I came
9 away from that meeting with several concerns about the
10 project as it was presented, and I wrote a letter to EFSEC
11 on the following day. I am here to go over again some of
12 the concerns that I expressed in that letter. My main
13 concern is water cooling for this project. The original
14 public presentation by BP emphasized the benefits of air
15 cooling with its minimum impact on the environment. To
16 change it now to water cooling would impose several
17 adverse effects on the environment, such as water cooling
18 and the associated cooling towers will require water, and
19 the effluent from the cooling towers will result with an
20 additional burden on the water quality in the outfall area
21 of Cherry Point. No cooling tower or effluent would be
22 necessary in air cooling. The cooling towers will create
23 large quantities of vapor during operation. Cooling water
24 is treated to prevent corrosion and algae formation.
25 Traces of dissolved chemicals are in the water vapor and

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1 can be carried away by prevailing winds. At present a
2 vapor from the refinery sometimes creates plumes of vapor
3 that at times form a cloud cover over Birch Bay. The
4 operation of a 720-megawatt power plant would increase
5 this problem by several magnitudes. None of these issues
6 would be there with air cooling.

7 I recognize that water cooling will result
8 in some savings to the builder, but this must not take
9 precedence over consideration for the residents of the
10 area and the environment.

11 Another comment or point is I just would
12 like to address the purpose of this project. The project
13 is titled BP Cogeneration Project. While I endorse the
14 use of cogeneration for BP, I differ on the main purpose
15 of the project. BP will only use about 12 percent of the
16 power produced, and the other 88 percent will be sold on
17 the open market by TransCanada, the eventual
18 owner/operator of the power plant. For that reason the
19 project should be put forward as the TransCanada or BP
20 power plant project. You cannot call in it any other way.
21 That's all.

22 MR. FIKSDAL: Thank you very much. Council
23 Member Crawford.

24 COMMENTS BY SAM CRAWFORD

25 Good evening, Council Members. I have

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1 written a letter regarding the application you're
2 considering to the BP Cherry Point Cogeneration Project,
3 and I would like to read this letter into the record at
4 tonight's open house.

5 I'm Sam Crawford, Whatcom County Council,
6 311 Grand Avenue, Bellingham, Washington, and my home
7 address is 1627 Diamond Loop, Bellingham, Washington.

8 I should note that as a member of the
9 Whatcom County Council, I speak from my own perspective.
10 The County Council has not formally taken a position on
11 this application. However, I can assure you that I've
12 spoken to many of my constituents throughout Whatcom
13 County whom I represent, and I am honored to informally
14 speak for them.

15 As I review the Draft Environmental Impact
16 Statement for this project, which I'm going to put down
17 because this is heavy, dated September 5, 2003, I see the
18 Applicant is required to compare the impacts of the
19 proposal to the impacts of no action. In most cases the
20 no action impacts are generally described correspondingly
21 as no impact.

22 In light of the proponent's prepared
23 materials describing the positive aspects of this project,
24 one could view no action, that is no construction of this
25 facility, as detrimental actually in a number of ways.

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1 I'm going to name a few.

2 There would be no new steam source to be
3 provided to the existing facility thus necessitating the
4 continued use of older, less efficient, more polluting
5 oil. Greenhouse gas offsets would not occur in other
6 facilities. Thirty years of proposed greenhouse gas
7 mitigation would not occur. Recycling of Alcoa Intalco
8 Works cooling water would not occur. Post use treatment
9 of this recycled water with updated treatment before
10 discharge to the Puget Sound would not occur. Wetland
11 enhancements to the CMA 1 and CMA 2 two sites creating low
12 hydraulic resonance time that enhances existing wetlands
13 and restores drained wetlands would not occur. A wetland
14 enhancement ratio of nearly 3.6 to 1. Yes, I did do the
15 math myself. Effecting the enhancement of 110 acres of
16 wetlands would not occur. Wildlife habitat quality
17 improvements associated with wetland enhancement along
18 with planting, cultivating, and monitoring of native
19 trees, plants, and grasses would not occur. An aggressive
20 noxious weed control program overseen by the Whatcom
21 County Noxious Weed Control Board would not occur. Six
22 hundred and thirty five megawatts of needed additional
23 electrical power would not be supplied to the Northwest
24 Power Grid. Further industrial development of land zoned
25 and set aside specifically for this type of use under

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cont.

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1 Whatcom County zoning rules and the Whatcom County
2 Comprehensive Plan would not occur at this time. The
3 opportunity for 30 additional living wage jobs in Whatcom
4 County would be lost, and the revenue generation of
5 approximately 6 million dollars in annual property taxes
6 to be paid by this facility would not occur.

7 I should mention there is no doubt that the
8 County portion of this revenue is badly needed during this
9 time of budget shortfalls.

10 When one considers these attributes of the
11 proposed project, it is an oversimplification to say the
12 no action alternative has no impact on Whatcom County.
13 Much of my time on the County Council is spent working on
14 discussing and implementing planning for the future. This
15 planning practice involves a myriad of potential impacts
16 and results in an attempt to envision a future that is
17 vibrant, attractive, and provides the highest qualities of
18 life for succeeding generations of Whatcom County
19 Citizens. This proposal does have the potential to fit in
20 well to that vision in many perspectives. No action in
21 and of itself would speak volumes about the future of your
22 county.

23 Based on my reading of the Draft
24 Environmental Impact Statement, I see this project as an
25 important component of our designated and zoned heavy

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1 impact industrial portion of Whatcom County. I urge you
2 to work cooperatively with the Applicant to carefully
3 consider the concerns of the community, along with any
4 negative impacts that may be associated with the project,
5 and permit the construction of this facility in a manner
6 that benefits the people of Whatcom County, as well as the
7 Applicant.

8 I appreciate your time and the opportunity
9 to comment. Thank you.

10 MR. FIKSDAL: Thank you.

11 The next three people are the last name is
12 Eventoff.

13 MR. EVENTOFF: Right here.

14 MR. FIKSDAL: Okay. You're next. Sandra
15 Abernathy and Wendy Steffensen.

16 COMMENT BY FRANK EVENTOFF

17 I am Frank Eventoff, 7086 Atwood Road,
18 Ferndale, and my primary concerns are environmental. I
19 hear what everybody is saying. I can't disagree with
20 anything. It sounds good. Like what the gentleman said
21 about air cooling, I don't know much about it, but it
22 sounds like it makes some sense. I guess I have questions
23 like is bigger better? And maybe balance should be
24 considered over growth. Do we need more electricity that
25 would be generated by fossil fuels? We're hearing

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cont.

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1 distorts of this planet and maybe alternative energy would
2 be, renewable energy would be a wiser investment. I'm
3 just looking at the energy scams that have happened and
4 where California is now in this whole regional thing and
5 all; that there's so much that we don't know about what's
6 going on behind the scenes, and so we really -- do we
7 really know where our energy requirements stand today and
8 do we need more energy? I don't know that. Maybe you do.
9 I don't. But it would sure be nice to address that
10 question before we go using more fossil fuels anyway.

11 I'm just also concerned that I've been
12 following Sumas 2 a bit and the Fraser Air Valley, Fraser
13 Air Valley Basin, and I'm wondering is this going to
14 impact the air quality and the buildup of pollutants in
15 that air basin? So I guess that's about it. It might
16 serve the government well to educate us, the populous,
17 about being more energy efficient, more emphasis on
18 efficient products than more power. Thank you.

19 MR. FIKSDAL: Thank you. Ms. Abernathy.

20 COMMENTS BY SANDRA ABERNATHY

21 I actually signed up on the wrong sheet, so
22 I'm going to say a little bit anyway. I haven't
23 dramatically read the report. So my name is Sandra
24 Abernathy and I live at 6905 Holeman Avenue, which is at
25 Point Whitehorn, so it's nearby, and I also have other

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1 family members that live near the plant.

2 My concern I would agree with

3 Mr. Schuhmacher that I am concerned about the air quality,
4 especially being downwind. I don't live downwind, but I
5 have other family members that live directly downwind.

6 And obviously the point that I'm trying to make right now
7 is that there is a lot of smell from the BP plant now, and
8 I'm concerned that there would be additional smell and
9 additional pollution with the prevailing southerly winds
10 in that area, but I haven't read it.

11 MR. FIKSDAL: Well, thank you.

12 Ms. Steffensen.

13 COMMENTS BY WENDY STEFFENSEN

14 My name is Wendy Steffensen. I'm the North
15 Sound Bay Keeper. I work at Resources. The address there
16 is 1155 North State Street, Suite 623, Bellingham, 98225.

17 I was interested to hear what Councilman
18 Crawford had to say because I haven't read all of the
19 documents, but I skimmed it pretty thoroughly, and I
20 didn't come away with the same rosey picture of the
21 environment that he did.

22 So one of my concerns is that in terms of
23 the fresh water system, the wetlands, Terrell Creek, and
24 Lake Terrell, I didn't really see a cumulative assessment
25 of what's going on with that system. I see that we're

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1 going to be draining and filling some wetlands. We have
2 stormwater impacts. We're going to have air pollution
3 that's going to settle on this system, as well as
4 potential, a great potential for acid rain. And although
5 acid rain was mentioned here and stormwater was mentioned,
6 the system, a cumulative look at the system wasn't taken
7 in terms of flora and fauna and the hydrologic
8 connectivity of the area, so that is one concern I have.

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9 And then another thing I noted in terms of
10 the wetlands in the Draft EIS they mentioned that the
11 wetlands were not significant or not high quality
12 wetlands, but yet when you go back to the appendix
13 Washington Fish and Wildlife calls those same areas high
14 priority habitat, so I think there's some disconnect
15 there.

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16 I also noted that like many of these
17 documents we disconnect what happens in the air versus
18 what happens in the water. It's like we believe that what
19 goes up in the air doesn't affect the water; that there's
20 not cross media contamination. So I would really like to
21 see an analysis of how is that air pollution affecting
22 water; what portion of air pollution is becoming water
23 pollution.

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24 I guess there was in terms of discharge,
25 water and air discharge, we are looking at better

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1 technology now, but I also noted we are discharging heavy
2 metals. And a lot of these heavy metals are persistent
3 biocumulative toxins, so, again, I have great deal of
4 concern about this. Ecology is trying to phase out the
5 discharge of persistent biocumulative toxins and yet this
6 wasn't adequately addressed in the report.

7 I also looked at the need analysis. In
8 general terms we talked about the regional needs, but
9 there was no mention of how is this going to fit with SE2
10 and GFX, those proposed projects that may be coming on
11 line, and so I was wondering why there was no mention of
12 those.

13 And in addition we have a herring reserve
14 very close by, and there was no mention of the herring
15 reserve, and I'm wondering what potential disturbance
16 there could occur to that herring reserve. Thank you.

17 MR. FIKSDAL: Thank you very much.

18 I don't have anymore -- oh, there is some
19 more. Sorry.

20 Thank you. Alan Van Hook has signed up to
21 speak.

22 COMMENTS BY ALAN VAN HOOK

23 I have a very short comment. I'm Alan Van
24 Hook. My address is Box 549, Blaine, Washington. And I'm
25 a very small competitor for this project because I

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1 generate electricity, and I just went through a very
2 frustrating process with Puget Power, so I understand
3 something about the frustration and the difficulties.

4 I agree with the fellow who said that the
5 purpose of the plant is probably primarily not
6 cogeneration, but obviously it's somewhat. I had a
7 question that probably I can address if I'm able to get
8 Chapter 2, which I don't believe was included in the
9 handouts tonight but is apparently available, and that was
10 alluded to by one of the folks who talked about the air
11 pollution products in that I know from long ago that it
12 was well recognized that there's negative synergy between
13 the release of heavy metals and the petroleum products
14 vapors release. So that may have already been done, and I
15 don't know. But I would be real interested to see a
16 cumulative analysis, which may have been done, between the
17 improvements that have been mentioned by Representative
18 Crawford and others and the net effect in terms of the
19 balance of heavy metals and petroleum products that are
20 bound to be in the air, so obviously there's better
21 technologies available now than were in place when the
22 original refinery was put in.

23 And I'm not personally privy to what's going
24 to happen with the Intalco Aluminum Smelter process, so,
25 you know, whether that's a cumulative effect. You know,

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1 if it's been evaluated both ways, with and without Intalco
2 operating as a smelter, etc.

3 And I will say and my recent research tells
4 me that we are going to be needing additional energy in
5 this area by the year 2012 to 2013. The question is
6 probably not whether we're going to generate but where is
7 it going to come from. So one of the alternatives I see
8 that Puget Power is planning on coming up with some of the
9 power from coal-fired plants which I think is very
10 interesting in light of the siting process that would be
11 going on with that. So I would like to see in the
12 alternatives, if it hasn't been done, some kind of
13 analysis of, you know, what are the air pollution, water
14 pollution scenarios versus burning this finite resource
15 natural gas versus burning coal or other alternatives
16 because we're not going to get it all from wind power
17 because we have to have capacity that's, you know,
18 available on a day-by-day basis.

19 So anyway I'm just commenting mostly whether
20 some of these items may have been addressed in which case
21 I just haven't seen it, and that's probably my fault, so I
22 was just curious whether they have been addressed. Thank
23 you.

24 MR. FIKSDAL: Thank you. That is the end of
25 the list of people that's signed up. Is there anybody

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1 that wishes to give a comment that didn't sign up?

2 Back there. I might add while -- come on up
3 -- that if you want a copy of the EIS just ask us, and
4 we'll get you a copy. Give us your and name address. If
5 you don't want the big paper copy to lug around, it's
6 available on our website which I think is probably on one
7 of the sheets that you got. It's www.efsec.wa.gov, and
8 that is all on that too.

9 Give us your name.

10 COMMENTS BY KATHY CLEVELAND

11 Hi, I'm Kathy Cleveland. I live at 4961
12 Morgan Drive. I'm not really prepared to speak, but I
13 have to speak anyways. I agree with what Wendy said, and
14 I wish there was more people that had an understanding of
15 the environment that could read this because I think a lot
16 of things are not adequately or wholly addressed. There
17 are things that would like to be swept under the carpet;
18 that basically by the time it comes to a public hearing
19 this is already a done deal, so we just kind of mitigate
20 things to help us out.

21 One of the things that I think is not
22 adequately addressed is the issue on particulates. I
23 would like a much further study done on that. There is
24 somebody that might have time to do it that works with
25 Huxley College at Western that now works with the

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1 Swinomish Indians down by Lummi Bay that directly studied
2 particulates going into the water and what happens and
3 what's the long-term effect of that, saving the
4 particulates in the air.

5 Also at one of our first meetings here up in
6 the Blaine Library about a year ago citizens addressed
7 some issues that they would like to see the mitigation on,
8 and one of those issues was sound. And I was at a public
9 -- the refinery had an open house about a month ago and
10 another citizen brought up the fact and asked, "Did you
11 put a sound monitor in the area of Cottonwood?" And they
12 said, "No." They still had not done it. It may have been
13 done recently, but it doesn't do any good to do testing or
14 bogus testing, and say, "Oh, look. We've had this out
15 here in this area." Like Birch Bay Villa is on the hill
16 where they don't get any noise. So if you do your testing
17 where your results are known and the results are going to
18 come out in your favor, that is not accurate and fair
19 testing or modeling of what's really going to be going on.

20 I haven't had time -- I'll speak with
21 Michael Lufkin afterwards about what has and has not been
22 done. I have a list buried somewhere of all of the things
23 that citizens wanted mitigated. I guess I'll have to
24 follow up on each and every one.

25 Thank you for your time.

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1 MR. FIKSDAL: Thank you. Is there anybody
2 else that would like to give a comment on the Draft
3 Environmental Impact Statement?

4 I see no hands raised. I guess there are
5 none, so that will conclude our comments for tonight and
6 conclude this meeting. I want to thank you very much for
7 coming. It's very important for the Council and for the
8 Applicant and everybody to hear your comments. Your
9 comments will be addressed in the Final Environmental
10 Impact Statement that the Council and Bonneville will
11 prepare. I also want to remind everybody that the Council
12 will have another opportunity for public comment during
13 their adjudicative hearing process, and it's scheduled now
14 for December. There will be a time that you can address
15 the Council again. If you aren't on our mailing list and
16 want to be on the mailing list to receive notices of those
17 hearings, sign up with Mariah out at the table as you
18 leave or you can go to our website and email. Our email
19 address is efsec. -- anyway it's on your list somewhere.
20 Again, thank you very much. Again, the close of comment
21 is November 3, 2003. With that, thank you again. Good
22 night.

23 * * * * *

24 (Public meeting was adjourned at 7:51 p.m.)
25

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A F F I D A V I T

I, Shaun Linse, CCR, Certified Court Reporter,
do hereby certify that the foregoing transcript
prepared under my direction is a true and accurate
record of the proceedings taken on October 1, 2003,
in Blaine, Washington.

Shaun Linse, CCR
CCR NO. LI-NS-ES-M4020H

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